

Appl. No. 10/648,457

Amdt. Dated August 22, 2005

Reply to Office Action of June 10, 2005

REMARKS

This is a full and timely response to the final Office action mailed June 10, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-11 are pending in this application, with Claim 1 being the sole independent claim. Claims 1 and 2 have been amended, and Claims 12-26 have been canceled herein. No new matter is believed to have been added.

Initially, the undersigned would like to thank Examiner Krishnamurthy for extending the courtesy of a short interview to discuss the status of the instant application, and his assurance that he would disposition this amendment before the 3-month shortened statutory period.

Rejections Under 35 U.S.C. § 102

Claims 12, 13, and 15-19 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 2,912,007 (Johnson). All of these claims have been canceled therein, thus mooted this rejection.

Rejections Under 35 U.S.C. § 103

Claims 1-11 and 14 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over (Johnson) and U.S. Patent No. 2,850,685 (Ray). This rejection is respectfully traversed.

Independent Claim 1 relates to a solenoid control valve and, as amended herein, recites various features that are not disclosed or suggested in either Johnson or Ray, either taken alone or in combination. In particular, Applicant submits that these references, either alone or in combination, fail to disclose or suggest at least the following elements now more clearly recited in independent Claim 1:

an actuator chamber in fluid communication with said housing via said minor channel and said major channel, said actuator chamber having a vent contact and a fill contact disposed therein, and further including a control port, and an outlet port; and  
an actuator positioned within said actuator chamber, said actuator having a major

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surface coupled to a poppet that defines a minor surface, said poppet having a fill seat and a vent seat disposed thereon, the actuator movable between at least (i) first position, in which the poppet vent seat contacts the vent contact, and the minor channel, the actuator chamber, and the control part are in fluid communication with each other, and (ii) a second position, in which the poppet fill seat contacts the fill contact, and the control port and the outlet port are in fluid communication with each other.

Indeed, the Office action fails to specify which, if any structural features of Johnson or Ray correspond to the above-noted features. Applicant submits that this is because neither of these citations discloses corresponding structural features.

In view of the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejections.

#### Conclusion

Based on the above, independent Claim 1 is believed patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

This Amendment Pursuant to 37 C.F.R. § 1.116 is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This amendment was not earlier presented because Applicant earnestly believed the prior amendment placed the subjection application in condition for allowance. Accordingly, entry of this amendment is respectfully requested.

Moreover, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The amendment overcomes all of the rejections set forth in the above-noted Office action. The amendment does not raise new issues requiring further search or consideration. Additionally, the present amendment places the

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application in better form for appeal, which Applicant fully intends to pursue, if necessary. Therefore, entry and consideration of the present amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated:

8/22/05

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